

**CITY OF TAKOMA PARK, MARYLAND**  
**(Adopted 4/11/05)**

**PRESENTATION, INTERVIEWS & WORKSESSION**  
**OF THE CITY COUNCIL**

**Monday, September 20, 2004**

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Closed Session 9/13/04 - Moved by Seamens; seconded by Austin-Lane. On September 7, 2004, the Council voted unanimously to convene in Closed Session on September 13, 2004 at 6:30 p.m. in the Municipal Building Conference Room, 1) to consult with legal counsel to obtain legal advice relating to the Community Center Project, and 2) to obtain legal advice relating to a personnel matter (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams). OFFICIALS PRESENT DURING CLOSED SESSION: Porter, Austin-Lane, Barry, Elrich, Seamens, Williams OFFICIALS ABSENT: Mizeur. STAFF/OTHERS PRESENT: Silber, Matthews, Waters, Cox (for part of the session). The Council convened at 6:40 p.m. in the Municipal Building Conference Room. 1) The Council received a briefing and asked for further updates on the Community Center Project. 2) The Council received legal advice and provided direction to the City Attorney. (Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i) and 10-508(a)(7).)

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**OFFICIALS PRESENT:**

Mayor Porter

Councilmember Austin-Lane

Councilmember Barry

Councilmember Elrich

Councilmember Mizeur

Councilmember Seamens

Councilmember Williams

City Manager Matthews

City Clerk / Treasurer Waters

ECD Director Ms. Daines

Recreation Director Haiduven

Community Center Construction Manager George

The City Council convened at 7:39 p.m. in the Council Chambers of the Municipal Building, 7500 Maple Avenue, Takoma Park, Maryland, 20912.

**COUNCIL COMMENTS**

Ms. Porter announced that Heather Mizeur is delayed and will arrive approximately 9:00 p.m. There was a press conference this morning announcing the Joint Gang Task Force. Right on the border of the City, there has been increased gang activity. There is an effort of the two counties to put together a series of recommendations to address gang activities. One suggestion is that there be a youth activity center in the Takoma/Langley area to provide constructive programs. Also, we would like community groups to get involved in the effort. The issue is extremely important in this area.

Mr. Williams announced there will be an MML Chapter meeting this Thursday night. There will

be a discussion of tax duplication.

Ms. Porter said it is important to put up on the web page a report for the meeting.

Mr. Seamens spoke on the regional COG task force for gang summit, and encouraged the audience to attend the event. He is discouraged that do not have good representation from County, school and other officials.

Ms. Austin-Lane recommended a resolution for Paul McClardy (owner of ARISE) in recognizing 25 years of business on an upcoming agenda. The AHC is considering Dave Lorentz for his hard work. Film festival coming up in November; 3<sup>rd</sup> year that the City has co-sponsored CUC for this event. It will be held at the Takoma Theater for first time this year. There is a PSCAC picnic on Saturday, September 25 at the VFW; there is an invitation for all to attend.

Ms. Porter said she is adding to the end of the agenda tonight a vote on a proposed closed session (re: former City manager Rick Finn) for next week's meeting. She explained the reason for it being the last item on the agenda, since it will be the first item on next week's agenda.

## **PUBLIC COMMENTS**

Catherine Tunis said that regarding the matter of the community center, she would hope that there is interest in building-in energy saving elements. She questioned whether we are still in line to get a grant from the State Energy Administration (status of city's communication - \$16,000).

## **PRESENTATION**

### **1. Update on Community Center Construction Project.**

Mr. Williams noted that he distributed the financial update. It is not that different from the last presentation material. On top of page 4, he noted in the last two lines the difference in the balance available and pointed out the reduced available expenditure (in the red by approximately \$8,000). He referred to later pages and the more detailed explanation in the expenditure approximation.

He wants to cover briefly the question that has been raised about the color of the brick on the outside of the building (i.e., more red). There is concern that there will be two external brick colors. Having given thought to the question, it would cost more to remove the brick from the curved wall. There will be walkways, overhangs and other things that will shadow it. His recommendation is to go with the two colors. It might be used as a highlight feature for a display area.

Ms. Austin-Lane expressed concern that it gets us farther still from the concept drawing. She

does not remember a two-tone building.

Mr. Williams said he did not either; but that is where we are.

Ms. Porter asked how much will it show.

Mr. Williams replied that he cannot say that it will not show. The extent to which it will show, since it is on a curved wall, may have an impact on the appearance.

Ms. Austin-Lane asked about his experience with brick color.

Mr. Williams responded that you can paint the brick; however, there are maintenance issues to keep the color consistent. There will always be two different surfaces.

Mr. Barry said that with the two-tone clash of surfaces, it is hard to say what it will look like in the end.

Mr. Williams replied that if we want to see a sense of the effect, we have a corner where one can gauge the effect. It might just be something that we live with – a feature that we accept. He wants feedback from the Council on how he should proceed on future presentations, the format, or how the City Manager and he might handle the presentation. He has discussed this with Ms. Matthews and we are not sure how the Council would like to receive the information. He wants to get to the best point of presentation/information to the Council and the public.

Mr. Seamens said he appreciates the amount of time and energy that Mr. Williams has put into the weekly reports. As he has indicated, he thinks this should be more a function of staff to present this information. He thinks that Councilmembers presenting the information runs the risk of adding a political bias to the comments. It is important for the impressions of tax payers that the City Manager make this report. Based on the fine work of Mr. Williams, he would certainly hope that he continue to work with Ms. Matthews on the presentations.

Mr. Barry said the purpose of Mr. Williams having been asked to do this in the first place, was to add clarification to the process. It is important to keep him engaged in this reporting – he has a history going back to the time that the building construction was proposed and has the construction and professional experience of providing guidance to the Council. He would like to hear Ms. Matthew's response to his continued involvement; it would hold a lot of weight with him. She is still in a transition time. There are lots of projects taking place.

Ms. Austin-Lane agreed. She likes the weekly, formal agenda item. Mr. Williams has set a good standard for expectation of updates. The Council has set a strong example of wanting to have a public update on the project. She hopes that Ms. Matthews will follow Mr. Williams' lead in terms of the content and format of the information that is reported each week.

Ms. Matthews said she does not think that either she or Mr. Williams have a particular format.

They wanted to know how the Council wants to proceed at this point. For the past couple of months she has worked closely with Mr. Williams to prepare the reports. She thinks there is benefit to a tag-team process—she working on the financial report and he providing the constructive perspective/comment.

Ms. Porter said she would be supportive. She thinks that Mr. Williams' efforts have been very admirable. She would like to see him continue in the participation of report presentation. His construction expertise has been very helpful.

## **INTERVIEWS**

The Council conducted a series of interviews for applicants to a variety of committees.

### **2. Safe Roadways Committee - Susan Solarz, Laurie Kelly.**

The applicants provided comments on personal interests, experience and suggestions.

### **3. Ethics Commission - Michael Richards.**

The applicant gave remarks on the work of the committee. He is working to make the ordinance to be more "user friendly."

### **4. Public Citizens Advisory Committee - Steve Cavallo, Henry Daniels, Michael Isreal, Andy Kelemen.**

The Council interviewed applicants for appointment.

### **5. Tree Commission - Jeffry Trunzo.**

The applicant - Jeffry Trunzo - was absent.

### **6. COLTA - Dorothy Clenon, Juan Canales.**

Applicants Dorothy Clenon and Juan Canales were absent.

Ms. Porter said she will reschedule their interviews (either later tonight or another evening).

## **WORKSESSION**

### **7. Hickory Avenue Speed Humps.**

Ms. Matthews gave an explanation of the staff recommendation. She noted the actual cost of approximately \$900 cost implication.

Ms. Austin-Lane said she hopes that there will be a discussion of monies for stump grinding.

Ms. Porter explained the speed hump petition process.

Councilmembers Mr. Williams, Mr. Seamens and Mr. Barry support this initiative.

Ms. Waters noted the change in the seasonal paving schedule.

Ms. Porter said this requires a two-reading ordinance to approve.

## **8. Proposal to Require Upgrades to Electrical Systems to Support Air Conditioning Units.**

Ms. Daines provided an introduction. She reintroduced Linda Byrd and Rob Beard (Montgomery County Code Enforcement Representatives).

Linda Byrd gave a statement regarding the City's proposal to require only one outlet per unit that would support the air conditioning unit.

Ms. Porter said she did not think she got specific about the number of units.

Ms. Daines remarked that staff met with the County inspection staff to talk about the options. In a July agenda packet, there were a number of options outlined. The proposal that we are focusing on is the one dealing with the Property Maintenance Code—one outlet in the unit being able to support an air conditioning unit. Those are already established for kitchen utilities; but this would not be the one dedicated for AC use.

Linda Byrd said she did have some concerns. She feels that the law as written is the way that it should be enforced as it has been enforced in the county for more than 20 years. They have not had major problems with the enforcement.

We find that most residents want AC in the bedroom. So, if you have the outlet equipped in the living room, it does not solve the bedroom issue. Those who pull an extension cord from the living room to the bedroom create an even more dangerous situation. To require an equipped outlet in every bedroom may be cost prohibitive. We would have some instances where there are bedrooms with only one window, but if a window unit were to be installed it would prohibit the only emergency access.

Rob Beard addressed most of issues. He has seen this situation in many units where a dedicated outlet is not properly used (i.e., extension cords will be used). He is concerned that by requiring only one dedicated outlet, we will put landlords in a dangerous position.

Ms. Porter said the Council's concern is that as a result of some citations, there were residents who were being deprived of AC in the middle of the summer. She did not want to leave it up to the landlords. Council wanted to come up with a way to be proactive.

Ms. Porter requested they help us think of a way to come up with something that will be workable.

Rob Beard said the difficulty is that AC is not required under the Code. If it was required, it would be easier to enforce. History has shown that most landlords do comply. A unit with AC is more marketable. The other thing is that the county has encouraged owners to comply and there is assistance (e.g., 90 days to comply given certain criteria). By putting some of these things in place it has provided some options. We share the concerns held by the City (i.e., code compliance could be achieved by removal of AC units).

Ms. Porter said we would like to come up with another alternative.

Rob Beard said we keep coming back to the point, if we do not have a law-requirement for AC--then it is difficult to legislate. We have discussed this point with the City staff (e.g., lease clause for buildings in the City).

Mr. Seamens thanked the speakers for their remarks. We have experienced a “start up” with the County enforcement. Things are getting back in sync. We want to make sure that landlords are not just meeting code by removing AC units. The things that are being described with respect to extension cords, already exist today. For us to require that there is a designated outlet, would not change the current approach to code enforcement. We might add to the requirement that the outlet be in an appropriate proximity to the unit. We want a workable alternative. The challenge is how to write a law to make sure that the outlet is available in a location that would make it work. We still want the County to do enforcement as it should be done. We want to make things better.

Mr. Elrich remarked that it is a health issue (as well as temperature issue). He remarked about affordable housing in the City. We need options that are better in making people choose between affordable housing. He commented about air quality in the Metro area. This is one case where we should lend to more of the protective side.

Rob Beard said a number of landlords have made decisions to put AC outlets in every bedroom as well as the living room; others are choosing to put outlets in one bedroom and the living room. He thinks there is a minority of cases where outlets are installed in all rooms. He noted a building on Carroll Avenue where units have been upgraded. The inspection cycle is spread around the calendar year.

Ms. Porter said it sounds like there is a way this can be resolved. The law could be written in such a way that the requirement applies only to bedrooms with more than one window.

Mr. Seamens said they should also look at something that is a lower cost for landlords. He is not suggesting that the County change the approach to the enforcement of code. He is suggesting that we require the facility for AC to tenants, but in a way that there is an ability to use an outlet legally.

Ms. Porter said it is already required that this type of designated outlet be in the kitchen.

Rob Beard stated that the problem is that the capacity for a building is already tapped out in the older buildings with the kitchen outlets.

Ms. Porter commented that there should be a solution.

Rob Beard said they had been asked to give our position and he thinks that the enforcement of the current County law is most appropriate.

Linda Byrd said there is no “appropriate” spot for the outlet location (one that can be defined).

Ms. Porter agreed that a person with one AC unit will want it in the bedroom.

Rob Beard said they would not want to make the law more restrictive for those who have already done an upgrade. We have to be careful about becoming more restrictive.

Mr. Elrich said we could grandfather previously upgraded units.

Mr. Williams said it is a good place to put in language about the intent (legal, safe, air-conditioning).

Ms. Daines said they have already drafted a lot of the language for the law, except for the location of the outlet.

Rob Beard said the concern is that if we legislate this, if it said that the landlord had to put it in at least one room, we create a situation where a landlord only meets the minimum.

Ms. Porter said they are not suggesting removing any incentives to install more (rather than less) outlets. We would just be putting in law a minimum. As Mr. Williams stated, we could also include language to encourage more than one designated outlet. She thinks that such a proposal draws a minimum level that is higher than now (because it would have to provide at least one dedicated outlet). We appreciate the County working with us on this and displaying the willingness to come and share concerns.

Mr. Seamens noted the important points raised this evening.

Ms. Porter said there is a lot of commonality here. We want to make sure that it comes through.

**BREAK** - The Council took a scheduled break and later reconvened.

## **9. Community Center.**

Ms. George gave an overview of the bid process. They had two bids submitted. She noted the

specifics of the bids. Molina Construction is the recommended contractor. She remarked about their credentials and experience.

Doug Norway stated that drawings were made available on August 18, involving documents detailed by the Council as part of the bid process. He explained the bid specifications for the community level (referring to the main level design). They have worked out some details with the staff in the bid process. There will be some relocation of the Recreation Department. The holding cells will remain in place, and bullet proof glass will be installed. He addressed other security items. He had a walk-through on August 25. He learned that there were four contractors interested from the walk-through. Throughout the bid process, there were some minor changes to the specifications. He explained why two candidates did not submit bids. He remarked about the events of September 8 (bid day). Molina Construction has been contacted more now, and was given the recommendation for the contract award. He pointed out that the MRA-M. Raina Associates, Inc. bid is about twice that of the Molina Construction bid.

Ms. Porter said her concern is whether you think that the Molina bid is workable.

Doug Norway replied in the affirmative, based on his professional opinion.

Larry Abell advised that at this point, given Council direction, he would sit down with the contractor and carefully go through the bid documents.

Ms. Porter asked for Council comments.

Mr. Seamens asked about the costs related to cabling for television and computers .

Doug Norway said with respect to security, all of the cabling is included in the bid. With respect to the computers (IT Room), there are conduits in the walls/windows to provide for a pull through.

Mr. Seamens asked what is the name for the desks in the IT Room.

Doug Norway said that they are identified as workstations.

Mr. Seamens questioned whether the computer learning center construction will occur at same time as this level (bid being discussed).

Ms. George provided clarification. The learning center is in the J.F. Knott contract. They are working on the outside and upstairs. Molina would only be working on the construction of this main level.

Mr. Seamens asked whether there will be another contract planned for any additional work on this level.



Ms. Matthews replied in the negative.

Mr. Williams asked with respect to the HVAC aspects, what is and what is not included. How much of what is in the proposed contract is an internal realignment since there are differences in space and requirements?

Doug Norway said there was no redesign on the top level. This is a totally self-contained level. The existing unit that currently serves the police level, could not currently handle the load of the dance center and teen hang-out area. The main lobby, existing corridors, finance department, recreation department and Administration office are served by another unit. The holding units are operated 24 hours/7 days a week.

Mr. Williams explained that the HVAC specifications on this bid, deal with this level only. Any redesign of the third level is independent of this bid.

Ms. Porter said that Catherine Tunis raised the point earlier about energy efficiency. Are we paying attention to energy efficiency?

Doug Norway replied in the affirmative.

Ms. George said we are also working with Albert Nunez and Daryl Braithwaite. We do not want to overload ourselves or end up with too many contractors on site. We believe that it may be best to wait until after things are completed to talk about new items.

Doug Norway said most of the upgrades are solar, back-up heat. He commented on things that have taken place to make systems work to their fullest capacity in the future. Existing roofs cannot handle some of the proposed elements.

Ms. Austin-Lane remarked that none of the contracts we are looking at include that type of energy efficiency. Can we add it now or later?

Ms. George replied that she would recommend adding it later. If added now, it will create more change orders and additional expense.

Ms. Austin-Lane said these recommendations were set forth in the design phase. Were they never incorporated? What happened?

Mr. Williams responded with the short answer. We didn't have money, so these items were out.

Ms. Porter said Ms. George is proposing that the funds for these elements are not in the budget and should be held until later.

Mr. Seamens asked why this discussion has been raised now.

Ms. George provided a response.

Mr. Elrich questioned if we delay these elements, are we going to significantly add to the cost of the project. To make some of these changes, we will have to locate air and water systems.

Doug Norway said the design would be on the exterior of the building. The interior requirements are built into the design. The water system is included in the gym design.

Ms. George said Molina's numbers can be held until November 7. In the meantime, they will be operating on this level and staff will need to work on this level. We cannot occupy the new upper level until J.F. Knott has completed their work. We are trying to negotiate with Molina to hold their numbers. There will likely be fees associated with any hold on the numbers.

Doug Norway said he would like to get an agreement on numbers through December with their work to begin in January. He commented on the materials and other aspects.

Ms. George said we are not sure whether Knott will have work done by December. If we negotiate with Molina to hold prices until December and then Knott's work goes beyond that time, it may encumber additional hold fees.

Ms. Austin-Lane asked, if we have looked at the pros/cons of putting staff into trailers.

Ms. George responded in the affirmatives. The IT team is going to advise about possible options.

Mr. Seamens asked if Knott has indicated a November completion date.

Ms. George replied in the negative.

Mr. Seamens said that based on the information from the closed session last week, we heard that it could be several months.

Ms. George said it could be as late as February. That is the reason that we are looking at relocation options for staff.

Mr. Elrich asked whether this is the primary thing driving the price change materials or labor.

Doug Norway said he has asked that question. Molina's HVAC sub-contractor does not want to pre-order materials. Maybe, a letter from the City with some type of guarantee would be helpful.

Ms. George said she is not certain what type of response we would get from the other sub-contractors.

Larry Abell said we need to look at this all the way through. We can compare the other costs.

Ms. Austin-Lane admitted she is a little confused. We have one bid that we seem to be entertaining and another one that is almost double. Now, we are talking about negotiating and we have questions about the completion of a bid. Would it make more sense to re-bid in November? We did not get a good response.

Larry Abell said he does not know which way it would go. At least right now, we have a bid in the range of bids that have been discussed. The cost of materials and labor have continued to increase. We have a bid that is held for at least a period of time and we have time to do negotiations. We have to try to find out if Molina will hold the price. It would seem that if he negotiates in good faith, there is not an unreasonable expectation to hold the bid open for some period of time. We might talk about things like pre-purchasing materials.

Ms. Austin-Lane asked if the Council is being asked to authorize the Molina bid award.

Larry Abell replied in the negative. We are asking for the authority to negotiate the terms of the contract.

Ms. Matthews said that once we continue the negotiations with Molina, we would bring information back to the Council. We have talked at staff level about going back out for bid. We have talked about the impacts of moving staff into trailers. In her experience, renovation jobs are more expensive than new construction. We need more time, as your staff, to examine the options. Right now, we are just seeking authority to do negotiation.

Ms. Mizeur asked whether Knott submitted a bid.

Ms. Matthews replied in the negative.

Mr. Seamens inquired if this is the last of the contracts that we will have to let, for the building that we are building now (not the gym or other components).

Ms. Matthews replied in the affirmative.

Mr. Williams said he thinks that what Ms. Matthews' recommended is the way to go. It is a safe way to go. He thinks that a comfort level for the Council will be when the negotiations with the contractor come back. We will want to understand exactly what is in/out of the contract. He commented on the rationale for not re-bidding the contract. He recommended to negotiate with the contractor.

Mr. Elrich said he can agree, but it is critical to come back with the clear understanding of everything that is included. He would prefer that we deal with this straight up and get the best deal possible. If the numbers come out bad then we could consider a re-bid.

Ms. Porter said her sense is that the Council is inclined to go forward and continue the discussion.

Ms. George said she wanted to share the information about the flood barrier design change. We have already talked with county staff about the flood wall and the intended design. However, there have been some changes. We have a signed document indicating that there is support for the design change.

Doug Norway commented on the hybrid design and the discussion with Knott. There is a requisition in place for about \$75,000 for the flood gates. What is now being presented is a flood barrier.

Mr. Elrich clarified that it is an amount of \$26,000, plus \$15,000.

Mr. Seamens asked about the cost of changing the design at this point.

Doug Norway responded that they have been told by the County that there will not be additional permitting fees.

Larry Abell added that because of the military activities that were taking place (i.e., Iraq construction levels) and the type of flood gates recommended, we would probably have paid more with the original design. We are not a big competitor for pricing.

Ms. Austin-Lane asked if there is a problem with the availability of the recommended parts.

Doug Norway described the vendor. The device itself is being redesigned to best fit the facility. It will take 8-10 weeks from the time that we provide an authorization. The company wants 50% down on delivery.

Ms. Matthews asked whether there will be delays.

Doug Norway responded that if we provide authorization at this point, delivery can fit within the Knott construction schedule.

Ms. George said she will be providing the Council with more information.

Mr. Williams remarked that it sounds like we may have viable options to replace ones that went away.

Ms. Porter commented about the design as pertains to flood water and overall expensive.

Doug Norway said that one advantage is that it is protected within its trench. He described the design and how the system operates. The lifespan of the "bag" is 20 years (\$13,000 per 20 years). Motors/compressors are in the building and are connected to the emergency generator.

Mr. Barry asked what would happen if the system supplier goes out of business in 20 years.

Ms. Porter confirmed that there was a consensus for continued negotiations with Molina.

Mr. Seamens asked if there is an option to this air bag.

Larry Abell said he has researched this item. He does not believe that we can come up with another option that will preclude more delay claims. We already have approval from the County. It is important to move forward with this option.

Ms. Austin-Lane confirmed that the County has agreed to this option.

Doug Norway provided further comments.

Ms. Porter commented on the concept of air bag water retention.

Ms. Matthews said she is working with staff on an un-audited version of a financial report for FY04. She hopes to have it done within the next couple of weeks. She has requested that staff have an appraisal done on the Piney Branch Property to respond to the concern whether the assumption of \$400,000 from the sale is feasible. We want to have a better sense of whether this is a solid number in the next 2-3 weeks. The preliminary assessment is that some amount of financing/borrowing will be needed. We have been put on notice by the County that they want to change the police rebate formula by FY07. There are lots of uncertainties. She would caution against drawing down reserves too low. We do not want to constrict ourselves in future years for affording other special projects. She remarked about the current lower interest rates. She has been working in local governments for about 18 years, and she has not had situation where a city has paid for a project in cash. Part of it is a cash-flow issue. The other consideration is the life of the project. She is not sure that the life-span of the building should be borne by the taxpayers entirely at this time. She knows that there has been some community discussion on this point. She understands that Council feels strongly about borrowing money. Prior to the time of joining the City, she knows there had been a discussion about borrowing against the Stormwater Fund (\$400,000). She had an unrelated meeting today with Mr. Lott about stormwater projects and we will be bringing forth more information to the Council. At this point she would not recommend borrowing against the stormwater fund. She thinks that the fund will be tapped-out to afford stormwater needs. She thinks that all expenses related to the community center should be aggregated to the community center fund.

Mr. Seamens noted the source of funding for the project. This has not been a cash paid project.

Ms. Matthews said she did not mean to convey that impression. The City has been very successful in getting funding from other sources for the project.

Ms. Porter remarked that it sounds like she is suggesting something similar to a mortgage on a house.

Ms. Matthews replied in the affirmative. Ms. Waters and I have already started discussions with

some private banks and a State program (e.g., meeting scheduled on Friday) about borrowing options.

Mr. Seamens thanked Ms. Matthews for bringing clarity to the project status. Before we would consider borrowing money, he would want some firm estimations (e.g., how much is needed to complete the project – phase-wise and the schedule of steps needed to complete the project). It is important to get some confirmations, so that we have realistic estimates for operations (e.g., programming of the facility). He needs confidence that we are looking at the whole picture. He knows that the Takoma Foundation has been working very hard to finance the furnishing and equipment for the facility. All of these things are important to get together and present to the Council. He is interested to hear any suggestions on ways that we can minimize expenses in the near term while trying to pay for what we are doing. Council should ask for a complete report of the finances of the project from beginning to date – to give constituents a clear understanding of how we got to where we are. He is against increasing taxes to pay for this. He wants to hear proposals about how to pay for a loan to complete the project.

Mr. Williams said he is interested in how we might incorporate the completion of the gym in this project, particularly in the instance of borrowing. We have been waiting for a particular source of funding over the past couple of years. As we consider the options, he wants to know what scenario is included in what other things we might want to explore.

Mr. Elrich said he wants to see the gym included in the discussion of project completion. It was one of the first elements of the project discussion. To think that we will complete the project without the gym is fundamentally wrong. He is not totally supportive of the notion that the construction can be completed without an increase in taxes. We might also look at savings in services to pay for the loan. He appreciates how Ms. Matthews is handling the project. He disagrees with Mr. Seamens' characterization of how we got to this point in the project. However, he is thankful for the information being provided by Ms. Matthews. This discussion needs to take place in a bigger context.

Ms. Austin-Lane said she agrees with a lot of what has been said. Mr. Seamens is right in asking for an audit. There has been a fair amount of distrust in this process. We should assure ourselves of some confidence. We want to know the cost of completion and operating the building afterwards. She thinks that some of the items she has asked to be added to the agenda should be included in the agenda, and should be considered in the mix.

Ms. Porter provided comments about the County's effort to renegotiate the police rebate. This has come up in years past. We should think of this as an initial negotiating ploy on their part, and not as the end point. Other municipalities in the County have become interested in rebate issues, so we may have some support. Now that these issues have been raised, she encouraged the Councilmembers to go out and discuss them with their constituents. She asked for Ms. Matthews to provide some options to the Council which can be conveyed to provide information for conversations with the public. She wants as much public discussion as possible.

Mr. Elrich said he is not a big fan of the audit unless there is a big reason to repeat it. It will cost more money. He would like to know how the County tracks the money for projects. They have been “over” on almost everything they have done, but they are not doing audits each time it is discovered. What did we expect to pay? What have we paid? Why did we end up paying more? What is standard County operating procedure?

Ms. Matthews said the word “audit” means different things to different people. Could Mr. Seamens or Ms. Austin-Lane elaborate on their intention with the request?

Mr. Seamens offered to provide a description of what he had in mind at another time.

Ms. Austin-Lane said she thinks Mr. Elrich’s suggestions are a good approach. She thinks a lot of the information is in the documents provided by Mr. Williams but not provided in a format for that purpose. She wants to reassure residents that we know where we are now. We need confidence in the numbers we are addressing.

Mr. Seamens commented on the gym. He would hope that the estimates become more firm than what has been heard before. As much as he had felt that the gym was one of the major reasons for building the center, he would be very hesitant to commit to borrowing money to complete the gym. We may have otherwise spent our money.

Ms. Matthews said the intent is to bring back a variety of options.

Ms. Mizeur agreed with Ms. Porter’s suggestion that we will need a lot more community discussion (regarding, borrowing and budgeting). We need to be prepared to respond to questions about the progress of completion. There is not a visual sight to back-up that the project is moving along. We need to have an accounting of why the project seems delayed if it is, and the steps that we need to follow to ensure that the project is completed on some type of schedule.

Mr. Barry said it is hard to sell the public on a shell that continues to appear as a shell. Also, it is important to continue the full court press on funding from other sources (federal, State, County). Recreation and public facilities are important. It is an election year coming up. We need to present to the public in a larger context—part of a package of difficult decisions— information about services to be funded or not.

Mr. Elrich remarked that funding for human services, and what this gym would provide for human services, has been cut at all levels of government. It is a result of a shift in governmental philosophy. He will not take the position that he will fall in line with the Republican mentality that will shrink this budget. This is a good and right thing to do.

Ms. Porter said we will not resolve this issue tonight. A lot of good points were made this evening.

Ms. Mizeur remarked that without entirely disagreeing with the core of Mr. Elrich's philosophy, she hears from residents about the attention to basic City services (e.g., trash cans that are not replaced on the sidewalk, police services, etc.). She thinks that Mr. Seamens' point was that we first focus on the funding of basic City issues.

Mr. Elrich said he does not think that keeping kids off the streets is short of basic services.

Mr. Williams reported that at a WACO meeting, a couple of weeks ago, he heard comments about basic services. He made a comment about wrapping up the project and funding the gym as part of that conclusion. There was concern among the same group of people.

## **ADJOURNMENT**

The Council voted to convene in Closed Session next week (9/27/04 at 7:00 p.m.) to discuss a personnel matter, related to the former City Manager Finn. Motion by Austin-Lane; seconded by Barry (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Authority: Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(ii).

The Council adjourned for the evening at 10:56 p.m.